

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION**

**HAROLD M. SMITH**

**Plaintiff,**

**v.**

**MAURY COUNTY, et al.**

**Defendants.**

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**No: 1:17-cv-00070**

**Chief Judge Crenshaw**

**ORDER**


Magistrate Judge Holmes has issued a Report and Recommendation (“R & R”) (Doc. No. 21) in which she recommends that Defendants’ unopposed Motion for Summary Judgement (Doc. No. 14) be granted, and that this case be dismissed with prejudice. In lieu of an objection, Plaintiff filed a letter (Doc. No. 22) in which he claims not to understand why Defendants want this case dismissed. He also notes that he is incarcerated in the Williamson County Detention Center, and states that the jail will not allow him to receive his “summary,” whatever that means.

Insofar as Plaintiff is suggesting that he could not formulate any objections to the R & R because he is incarcerated, that is belied by the fact that he filed the letter in response to the R&R but chose not to address its substance, or raise any objection to Defendants’ arguments. Regardless, reviewing the matter *de novo* as required by Rule 72 of the Federal Rules of Civil Procedure, the recommended dismissal is appropriate for any number of reasons. These include (1) Plaintiffs’ failure to exhaust all available administrative remedies as required by the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a) and Booth v. Churner, 532 U.S. 731, 738 (2001); (2) Maury County Sheriff’s office is not amenable to suit under 42 U.S.C. § 1983, see Mathes v. Metro. Gov’t of Nashville & Davidson Cty., No. 3:10-CV-0496, 2010 WL 3341889, at \*2 (M.D. Tenn. Aug. 25,

2010) (collecting cases); and (3) Plaintiff's request for injunctive relief is moot because he is no longer in the Maury County Jail, Kensu v. Haigh, 87 F.3d 172, 175 (6th Cir.1996).

Accordingly, the Report and Recommendation (Doc. No. 21) is **ADOPTED** and **APPROVED**; Defendants' Motion for Summary Judgment (Doc. No. 14) is **GRANTED**; and this case is hereby **DISMISSED WITH PREJUDICE**. The Clerk of the Court shall enter a final judgment in accordance with Rule 58 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

  
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WAVERLY D. CRENSHAW, JR.  
CHIEF UNITED STATES DISTRICT JUDGE